



UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

KENNETH C. MCKNIGHT,  
#95411

Plaintiff,

vs.

STATE OF NEVADA, *et al.*,

Defendants.

3:10-cv-0259-LRH-VPC

**ORDER**

On April 29, 2010, the court received a handwritten document from plaintiff entitled "First District Court, Carson County, Nevada, Civil Action" (Docket #1-1). Such document is insufficient to initiate a civil rights action in this court. The Local Rules require plaintiffs appearing in *pro se*, such as this plaintiff, to file all of their complaints and petitions on the court's approved forms. LSR 2-1("[a] civil rights complaint filed by a person who is not represented by counsel shall be on the form provided by this court."). Accordingly, the Clerk shall not file this document.

Plaintiff's application to proceed *in forma pauperis* in this matter is granted. (Docket #3). Based on the information regarding plaintiff's financial status in the Application to Proceed *in Forma Pauperis*, plaintiff is required to pay an initial installment of the filing fee pursuant to 28 U.S.C. §1915.

1           The grant of *in forma pauperis* status adjusts the amount of the filing fee that plaintiff  
2 must *prepay* -- plaintiff will be required to prepay an initial installment of \$5.00, instead of having to  
3 prepay the full \$350 filing fee for this action. The entire \$350 filing fee will, however, remain due from  
4 plaintiff, and the institution where plaintiff is incarcerated will collect money toward the payment of the  
5 full filing fee when petitioner's institutional account has a sufficient balance, pursuant to 28 U.S.C.  
6 §1915. The entire \$350 filing fee will remain due and payable, and will be collected from plaintiff's  
7 institutional account regardless of the outcome of this action.

8           **IT IS THEREFORE ORDERED** that plaintiff's application to proceed *in forma*  
9 *pauperis* (Docket #3) is **GRANTED**. Plaintiff Kenneth C. McKnight, **Inmate No. 95411**, will be  
10 permitted to maintain this action to conclusion without prepayment of the full filing fee. However,  
11 plaintiff must pay an initial installment of the filing fee in the amount of **\$5.00**. Plaintiff will not be  
12 required to pay fees or costs, other than the filing fee, or give security therefor. This Order granting *in*  
13 *forma pauperis* status shall not extend to the issuance and service of subpoenas at government expense.

14           **IT IS FURTHER ORDERED** that, even if this action is dismissed, or is otherwise  
15 unsuccessful, the full filing fee shall still be due, pursuant to 28 U.S.C. §1915, as amended by the  
16 Prisoner Litigation Reform Act of 1996.

17           **IT IS FURTHER ORDERED** that plaintiff shall have **thirty (30) days** from the date  
18 of entry of this order to have the initial installment of the filing fee, in the amount stated above, sent to  
19 the Clerk in the manner described below. Failure to do so may result in the immediate dismissal of this  
20 action.

21           **IT IS FURTHER ORDERED** that the Clerk shall **SEND** plaintiff two copies of this  
22 Order. Plaintiff must make the necessary arrangements to have one copy of this Order, attached to a  
23 check in the amount of the initial installment of the filing fee, sent to the Court, by sending a copy of the  
24 Order with a "brass slip" to Inmate Services for issuance of the check.

25           **IT IS FURTHER ORDERED** that, pursuant to 28 U.S.C. §1915, as amended by the  
26 Prisoner Litigation Reform Act of 1996, the Nevada Department of Corrections shall pay the Clerk of

1 the United States District Court, District of Nevada, 20% of the preceding month's deposits to plaintiff's  
2 account (in months that the account exceeds \$10.00), until the full \$350 filing fee has been paid for this  
3 action. **The Clerk shall send a copy of this order to Albert G. Peralta, Chief of Inmate Services,**  
4 **Nevada Department of Prisons, P.O. Box 7011, Carson City, NV 89702.**

5 **IT IS FURTHER ORDERED** that the Clerk **SHALL SEND** to plaintiff the approved  
6 forms for filing a civil rights lawsuits under 42 U.S.C. §1983. Within **thirty (30)** days from the date of  
7 entry of this order, plaintiff **SHALL FILE** a completed and signed complaint. Plaintiff's failure to do  
8 so may result in the immediate dismissal of the entire action.

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11 DATED this 13<sup>th</sup> day of July, 2010.

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14 UNITED STATES MAGISTRATE JUDGE  
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